

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
EMILY ANN NELSON,
Defendant.

No. CR 21-1009

MOTION TO CONTINUE AND FOR
HEARING ON DEFENDANT'S
REQUEST FOR NEW COUNSEL

COMES NOW Defendant, through counsel, and submits the following motion for new trial and for a hearing on the Defendant's request, communicated to counsel today, for appointment of new counsel.

1. Ms. Nelson is charged with one count of distribution of a controlled resulting in serious bodily injury, an offense that has a 20-year mandatory minimum sentence. She is also charged with two counts of using a communication facility and one count of possession with intent to distribute a controlled substance.
2. The current trial date is 8/23/2021.
3. The parties are in the final stages of plea negotiations. Ms. Nelson advised counsel today that she is confused and unsure about what to do. She

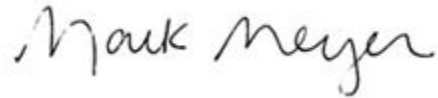
also advised counsel that would like to have a new lawyer appointed to represent her and for the trial to be continued.

4. Of note is that Ms. Nelson just gave birth to a child and may be affected by post-partum depression which could interfere with her ability to make a difficult choice – the proposed plea agreement is for Ms. Nelson to serve 10 years in prison, but if she were to go to trial and be convicted, the mandatory minimum sentence would be 20 years. The crux of the problem is that a 10-year sentence is longer than what, to her knowledge, similarly situated defendants have been allowed to plead guilty to. Counsel believes that Ms. Nelson would like to have another attorney appointed to take a fresh look at whether going to trial is a viable option.

5. Regarding the trial option, counsel has sought approval for appointment of an expert witness, which would be vital to her defense. This request has been approved at the district court level but is under consideration by the Eight Circuit. Accordingly if there were a trial, the defense would request that it be continued to allow for consultation and preparation of the expert for trial.

WHEREFORE, as set forth herein, Defendant submits a motion to continue the trial and for a hearing on Mr. Nelson's request for new counsel.

Respectfully submitted,



MARK C. MEYER AT0005269
425 2nd Street SE, Suite 1250
Cedar Rapids, Iowa 52401
(319) 365-7529
legalmail@markcmeyer.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

A copy of this document was served by ☐ mail, ☐ facsimile, ☐ hand-delivery ☒
electronic filing on this 8/2/2021 upon all counsel of record in this case.

